IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

M.C.A.No. 14 of 2006

Belapur Industries Ltd. ..Petitioner

V/s

Maharashtra State Farming Corpn..Respondent

Shri P.M.Pradhan for Petitioner

CORAM:S.R.SATHE,J.

DATED:22nd June 2006

P.C.:-

1. Heard the learned Advocate for the Petitioner. Respondents were absent on the previous day. So with a view to give one more opportunity, the matter was once adjourned. However, even today none appeared on behalf of the Respondent, though duly served. Thus it is very clear that the Respondent is in fact not interested to challenge the application filed by the petitioner under Section 24 of CPC.

2. Admittedly, Special Civil Suit No.51 of 2004 filed by the present Petitioner against Respondent is pending in the Court of C.J.S.D.,Shrirampur. As against this the Special civil suit No.641 of 2004 filed by the

present Respondent against the present Petitioner for recovery of the amount of Rs.18.26.72,362/- is pending in the Court of C.J.S.D., Pune. It is the case of the Petitioner that entire evidence required in both the matters is at Shrirampur. The property invovled in the suit is situated at Shrirampur and witnesses in both these matters are of Shrirampur. Under these circumstances it is convenient for the parties to have both the matters in the Court of C.J.S.D.,Shrirampur. As the Respondent has not remained present and opposed the said application, I think that there is no reason to reject the application of the Petitioner.

3. Taking into consideration all these facts, the Special Civil Suit NO.641 of 2004 pending in the Court of C.J.S.D., Pune is transferred to the Court of C.J.S.D., Shrirampur in which the suit filed by the present petitioner is pending.

4. The Court of C.J.S.D., Pune is directed to transmit the entire record in respect of Special C.S.No.641 of 2004 to the court of the C.J.S.D. Shrirampur. The C.J.S.D., Shrirampur to dispose of both the suits simultaneously in accordance with law as early as possible.

5. M.C.A. is disposed of accordingly.

(S.R.SATHE,J.)